THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3354 of 2007

Dated:26.10.2007

Between

B.Radha Krishnaiah.

..Petitioner

and

The Government of Andhra Pradesh
Rep., by its Principal Secretary
Social Welfare Department and others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3354 of 2007

ORDER:

This writ petition is filed challenging the proceedings of the 2nd respondent dated 5.2.2007, whereunder the representation of 3rd respondent was considered and he was declared senior to the petitioner in the cadre of Assistant Engineer.

The impugned order contemplates that the seniority of the officers has to be fixed as per Rules provided under A.P State and Subordinate Service Rules, 1996. As per Rule 36 (iii), in respect of persons promoted or appointed by transfer (involving promotion), and if the date of commencement of probation is the same; the senior in age shall be

considered as senior in the seniority of that cadre. The date of birth of T.S.Prasad (3rd respondent herein) is 12.08.1962 and Sri B.Radha Krishnaiah (petitioner herein) is 7.6.1964. Therefore, taking the age of 3rd respondent, he was declared as senior to the petitioner. Further, aggrieved by the said order, the petitioner has already filed an appeal before the 1st respondent and the same is pending.

In view of the same, without expressing any opinion on merits, the writ petition is disposed of directing 1st respondent to dispose of the appeal purported to have been filed by the petitioner, within a period of four weeks from the date of receipt of a copy of this order, after hearing all the parties, and pass appropriate orders, as per law and communicate the same to all the concerned. Till such time, status quo as on today as to the status of the petitioner shall be continued.

With the above direction, writ petition is disposed of. No costs.

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26-10-2007

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